



Entered on Docket
July 29, 2009

A handwritten signature in black ink, appearing to read "Bruce A. Markell".

Hon. Bruce A. Markell
United States Bankruptcy Judge

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Attorneys for Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

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In the matter of:

Michael J. Wilson and
Heather A. Wilson,

Debtors.

Case No: BK-09-10652-BAM
Chapter 13

Date: June 25, 2009
Time: 3:30 p.m.

**AMENDED ORDER GRANTING
MOTION TO VALUE DEBTORS' PRINCIPAL RESIDENCE AND AVOID WHOLLY
UNSECURED LIEN(S) ENCUMBERING SAME, TO MODIFY THE RIGHTS OF
LIENHOLDERS AND OBJECTION TO LIENHOLDERS'
PROOFS OF CLAIM, IF ANY**

**Debtors' Motion to Value Debtors' Principal Residence and Avoid Wholly
Unsecured Lien(s) Encumbering Same, to Modify the Rights of Lienholders
and Objection to Lienholders' Proofs of Claim, If Any having been duly filed and**

served on Litton Loan Servicing and having come before this Court for hearing on the date and at the time set forth above with Debtors appearing by and through their legal counsel, Troy S. Fox of the law firm Crosby & Associates and none of the named lienholders/ lenders/servicers having appeared and all opposition having been resolved, and good cause appearing therefor;

THE COURT HEREBY FINDS:

1. On the date of the petition, Debtors were the owners of real property used as their principal residence known and described as 3321 Perching Bird Lane, North Las Vegas, NV 89084 legally described as follows:

Lot 54 in Block 2 of Astoria at Aliante - Parcel 20, as shown by map thereof on file in Book 116 of Plats, Page 23, in the Office of the County Recorder of Clark County, Nevada.

APN: 124-20-213-069

2. The value of said principal residence at the time Debtor filed his Chapter 13 Petition was \$220,000 which is less than the balance of the claim(s) of the first lienholder as of the date of the Petition.

3. Said property at the time of filing was subject to the following liens evidenced by Promissory Notes and Deeds of Trust:

First Mortgage:	
Litton Loan Servicing LP	\$382,904.88
P.O. Box 4387	
Houston, TX 77210-4387	
Loan # 0017240771	

Second Mortgage:	
Litton Loan Servicing LP	\$ 80,982.38
P.O. Box 4387	
Houston, TX 77210-4387	
Loan # 0017240789	

4. That on the filing date of the instant Chapter 13 petition, the claim represented by junior lien of Litton Loan Servicing was wholly unsecured and may

1 therefore be avoided pursuant to 11 U.S.C. Section 506(a) and §1322(b)(2) upon
2 completion of the Debtor's Chapter 13 plan; and

3 5. Said claim is properly reclassified as a non-priority general unsecured
4 claim to be paid pro rata with other non-priority general unsecured creditors through
5 the Debtor's Chapter 13 plan; and

6 6. That it is consistent with the above findings that any claim(s) as
7 identified in Proofs of Claim filed by Litton Loan Servicing relative to its junior lien be
8 modified to non-priority general unsecured status.

9 IT IS THEREFORE ORDERED THAT:

10 1. The claim represented by junior lien of Litton Loan Servicing be and is
11 herewith avoided and "stripped off" from Debtor's principal residence upon
12 completion of Debtor's Chapter 13 plan and shall henceforth be treated as a "non-
13 priority general unsecured claim" pursuant to 11 U.S.C. §506(a);

14 2. That any Proofs of Claim filed by Litton Loan Servicing relative to its
15 junior lien be conformed to the findings herein as non-priority general unsecured
16 claims to be paid pro rata with other non-priority general unsecured creditors through
17 the Debtor's Chapter 13 plan.

18 3. Litton Loan Servicing shall retain it's claim(s) for the full amount under
19 the loans referenced above in the event of either the dismissal of Debtor's Chapter
20 13 case or the conversion of the Debtor's Chapter 13 case to any other Chapter

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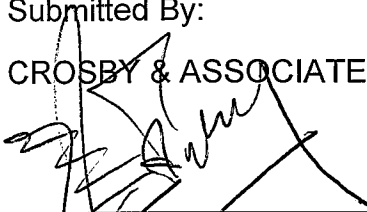
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under the United States Bankruptcy Code.

Dated this 23rd day of July, 2009.

Submitted By:

CROSBY & ASSOCIATES



David M. Crosby, Esq.
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CROSBY & ASSOCIATES
711 South Eighth Street
Las Vegas, Nevada 89101
Attorneys for Debtor

Approved/Disapproved

Rick A. Yarnall
Chapter 13 Trustee

NOTICE - ALTERNATIVE METHOD re: RULE 9021:

In accordance with LR 9021, counsel submitting this document certifies as follows:

_____ The court has waived the requirement of approval under LR 9021.

_____ No parties appeared or filed written objections, and there is no trustee appointed in the case.

 X I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below:

Party: Chapter 13 Trustee

_____ Approved _____ Disapproved X Failed to Respond

Party: _____

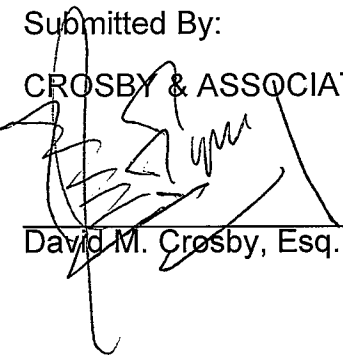
_____ Approved _____ Disapproved _____ Failed to Respond

Party: _____

_____ Approved _____ Disapproved _____ Failed to Respond

Submitted By:

CROSBY & ASSOCIATES



David M. Crosby, Esq.